

ASSEMBLY BILL

No. 2333

**Introduced by Assembly Member Emmerson
(Coauthor: Assembly Member Logue)**

February 19, 2010

An act to add Section 1202.9 to the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 2333, as introduced, Emmerson. County detention facilities: release of inmates to other counties.

Existing law provides that a person placed on probation by a court shall be under the supervision of the county probation officer who shall determine the level and type of supervision consistent with the court-ordered conditions of probation.

This bill would prohibit a county probation officer from placing a person subject to his or her supervision, who the officer has reason to believe may be in the country illegally, in a residential facility in another county if the person is subject to probation supervision because of an offense that occurred in the probation officer's county, except as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1202.9 is added to the Penal Code, to
- 2 read:
- 3 1202.9. (a) A county probation officer shall not place a person
- 4 subject to his or her supervision, who the officer has reason to

1 believe may be in the country illegally, in a work furlough facility,
2 halfway house, rehabilitation facility, or similar residential facility
3 located in any other county if the person is subject to probation
4 supervision because of an offense that occurred in the probation
5 officer's county.

6 (b) This section does not apply to the placement of a person in
7 a county if the person is a resident of that county.

8 (c) If the person is a minor, this section does not apply to the
9 placement of the minor in a county if one of the minor's parents
10 or legal guardians is a resident of that county.